

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
19-SO-3

JAN 25 2019

PETER A. MOURE, JR., CLERK
US DISTRICT COURT, EDNC
BY  CLK

IN RE: First Step Act of 2018,
(Dec. 21, 2018).

STANDING ORDER

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the Eastern District of North Carolina (“Federal Public Defender’s Office”) is hereby appointed to represent any defendant serving a federal sentence, who was previously determined to have been entitled to appointment of counsel, or who was previously represented by the Federal Public Defender’s Office at the district court level through the completion of sentencing to determine whether that defendant may qualify for relief pursuant to the First Step Act of 2018, and if so, to assist the defendant in obtaining such relief. Additionally, the Federal Public Defender’s Office is appointed for the same limited purpose to represent any defendant currently serving a federal sentence who, though not indigent at the time of trial, judgment, and sentencing, is now indigent, so long as no conflict exists between that defendant and a current or former client of the Federal Public Defender’s Office. In the event the Federal Public Defender’s Office is unable to represent a defendant, attorneys serving on the Criminal Justice Act panel for the Eastern District of North Carolina may be appointed to represent any former client currently serving a federal sentence previously determined to have been entitled to appointment of counsel to determine whether that defendant may qualify for relief pursuant to the First Step Act of 2018, and if so, to assist such defendant in obtaining any such relief. Additionally, attorneys serving on the Criminal Justice Act panel may be appointed to represent an indigent defendant currently serving a federal sentence, who they did not previously represent, when a conflict exists such that the Federal Public Defender’s Office, or a former panel attorney, cannot represent that defendant. This

appointment is limited to cases affected or potentially affected by the First Step Act of 2018 and will terminate upon a determination by appointed counsel that the defendant is not eligible for relief or, if eligible for relief, upon exhaustion of the defendant's post-conviction remedies.

The U.S. Probation Office for the Eastern District of North Carolina ("U.S. Probation Office") is authorized to disclose Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons to the Federal Public Defender's Office, the Criminal Justice Act panel, and retained counsel, for the purpose of determining eligibility for relief. Upon request by the Office of the U.S. Attorney for the Eastern District of North Carolina ("U.S. Attorney's Office"), the U.S. Probation Office also shall provide copies of the Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons in these cases to the U.S. Attorney's Office. The Clerk's Office for the Eastern District of North Carolina is authorized to disclose relevant and necessary documents from the case file as needed for the purpose of determining eligibility for relief, including sealed documents (to the extent that the requesting party had access to the sealed documents in the original case), to the Federal Public Defender's Office, the Criminal Justice Act panel, retained counsel, and the U.S. Attorney's Office. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports, Modified Presentence Investigation Reports, or Statements of Reasons will be provided to inmates.

SO ORDERED. This 75 day of January 2019.


TERRENCE W. BOYLE
Chief United States District Judge